

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ALMA VERONICA GONZALEZ,

Plaintiff,

Civil No. 06-395-AS

v.

O R D E R

ADECCO NORTH AMERICA, LLC, d.b.a.,
ADECCO EMPLOYMENT SERVICES OF
OREGON, a Delaware Corporation,

Defendant.

HAGGERTY, Chief Judge:

Magistrate Judge Ashmanskas has referred a Findings and Recommendation concluding that defendant's Motion to Dismiss [7] should be granted to this court for review. In response to the motion to dismiss, plaintiff agreed to dismiss her state law claim voluntarily, but sought equitable tolling for her federal claims. Defendant asserted in response that plaintiff's federal claims should be dismissed as well, because the complaint was not filed until ninety-four days after plaintiff received a right-to-sue letter

from the Equal Employment Opportunity Commission. The Findings and Recommendation [17] concluded that the motion to dismiss should be granted in its entirety. No objections were filed to this Findings and Recommendation, and the case was referred to this court.

The matter is now before this court pursuant to 28 U.S.C. § 636(b)(1)(B). *See also* Fed. R. Civ. P. 72(b). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Campbell v. United States District Court*, 501 F.2d 196 (9th Cir. 1974).

No clear error appears on the face of the record. This court has examined the pending motion and the underlying record. The Findings and Recommendation is, therefore, adopted. Plaintiff's federal claims were not timely filed and must be dismissed with prejudice. Defendant's Motion to Dsmiss [7] is granted.

IT IS SO ORDERED.

Dated this 3 day of January, 2007.

/s/Ancer L. Haggerty
Ancer L. Haggerty
United States District Judge